



0313345058

Eugene "Gene" Moore Fee: \$40.50
Cook County Recorder of Deeds
Date: 05/13/2003 10:11 AM Pg: 1 of 9

PREPARED BY:

Name: Drake Tower Apartments, Inc.
c/o LaThomus Property Service
Attn: Ms. Susan Giancarlo

Address: 179 East Lake Shore Drive
Chicago, IL 60611

RETURN TO:

Name: Drake Tower Apartments, Inc.
c/o LaThomus Property Service
Attn: Ms. Susan Giancarlo

Address: 179 East Lake Shore Drive
Chicago, IL 60611

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0316085233

LUST Incident No.: 942871

Drake Tower Apartments, Inc., the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 179 East Lake Shore Drive, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: See Attached.
2. Common Address: 179 East Lake Shore Drive
Chicago, IL 60611
3. Real Estate Tax Index/Parcel Index Number: 17-03-208-002-0000
4. Site Owner: Drake Tower Apartments, Inc.
c/o LaThomus Property Service
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

JAR
LAR

UNOFFICIAL COPY**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 2030 0001 1522 8544

APR 29 2003

Drake Tower Apartments, Inc.
 c/o LaThomas Property Service
 Attn: Ms. Susan Giancarlo
 179 East Lake Shore Drive
 Chicago, IL 60611

Re: LPC #0316085233 - Cook County
 Chicago/Drake Tower Apartments, Inc.
 179 East Lake Shore Drive
 LUST Incident No. 942871
 LUST Technical File

Dear Ms. Giancarlo:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated December 31, 2002 and was received by the Illinois EPA on January 24, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The High Priority Corrective Action Completion Report and associated Professional Engineer Certification indicate corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(c)(1)(E) of the Act and 35 Ill. Adm. Code 732.409(a)(2) have been satisfied.

Based upon the certification by Garth A. Daley, a Licensed Professional Engineer, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the

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environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

1. Drake Tower Apartments, Inc., the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

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2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: There are no land use limitations.
3. The land use limitation specified in this Letter may be revised if:
 - a. Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b. A new No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.
5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan, if applicable, may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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Illinois Environmental Protection Agency
Attention: Freedom of Information Act Officer
Bureau of Land - #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)) and 35 Ill. Adm. Code 732.704, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank system(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
- a. Any violation of institutional controls or industrial/commercial land use restrictions;
 - b. The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - c. The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;
 - d. The failure to comply with the recording requirements for the Letter;
 - e. Obtaining the Letter by fraud or misrepresentation; or
 - f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Lesli Reynolds, at 217/557-7048.

Sincerely,



Hernando A. Albarracin

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

HAA: LAR\NFR Letter.doc

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map
Legal Description

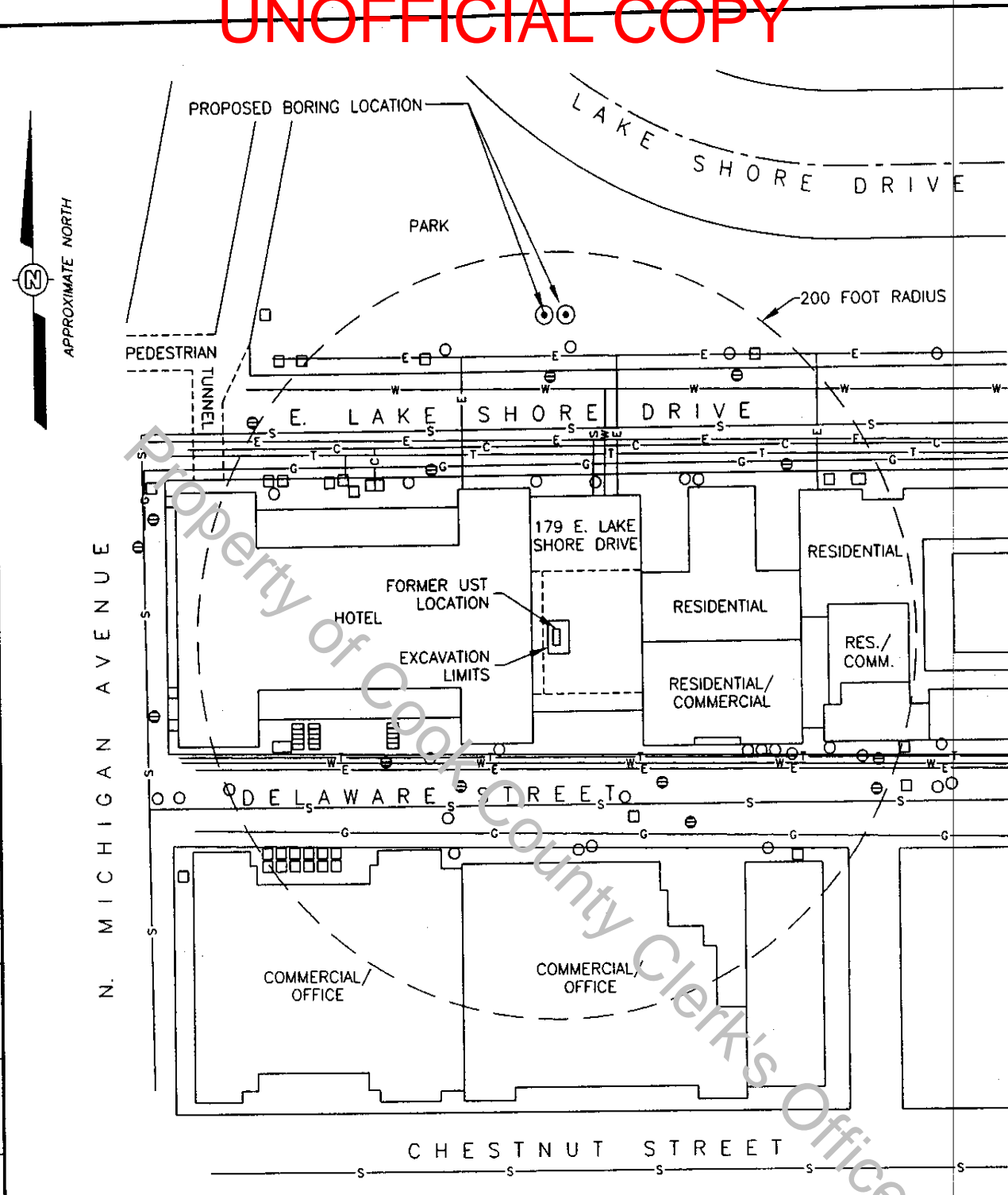
c: Steve Boom, Shaw Environmental, Inc.
Division File

Property of Cook County Clerk's Office

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DRAWING CHDT_SB03-PROP
 NUMBER
 APPROVED BY
 CHECKED BY
 MODIFIED BY
 11/01/01
 SLB
 OFFICE
 CHICAGO
 X-REF


 IMAGE



LEGEND

- LIMITS OF UNDERGROUND PARKING GARAGE
- MANHOLE
- ⊕ STORM DRAIN
- VAULT
- S— SEWER
- E— UNDERGROUND ELECTRIC
- C— UNDERGROUND CABLE TV
- T— UNDERGROUND TELEPHONE
- W— UNDERGROUND WATER
- G— UNDERGROUND NATURAL GAS

"DRAWING NOT TO SCALE"

 Shaw Shaw Environmental, Inc.	DRAKE TOWERS APARTMENTS, INC. 179 EAST LAKE SHORE DRIVE CHICAGO, ILLINOIS 60611
FIGURE 5 PROPOSED OFFSITE BORING LOCATION	

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Legal Description for:

LPC #0316085233 -- Cook County
 Chicago/Drake Tower Apartments, Inc.
 179 East Lake Shore Drive
 LUST Incident No. 942871
 LUST Technical File

Resolved, That this corporation purchase the land and apartment building located at 171-9 East Lake Shore Drive in the City of Chicago and State of Illinois, described as follows:

Lots 14, 15, 28 and 29 in Fitzsimmons' Addition to Chicago, a subdivision of part of block 8 in Canal Trustees' Subdivision of the South fractional quarter of fractional Section 3 Township 39 North, Range 14, East of the Third Principal Meridian,
 That part of Lots 16 and 27 in said Fitzsimmons' Addition to Chicago described as follows: Beginning at the North East corner of said lot 16 and running thence West along the North line of said Lot a distance of 9.25 feet, thence South a distance of 24.04 feet along the Easterly face of the lowerstone base of the Drake Hotel Building, to a point 9.11 feet West of the East Line of said Lot 16, thence West a distance of 0.58 feet along a line parallel with the North line of said Lot 16 to a point 9.69 feet West of said East lot line, thence South a distance of 169.61 feet along the Easterly face of a brick wall of the Drake Hotel Building to a point 24 feet North of the South line and 8.65 feet West of the East line of said Lot 27, thence East a distance of 0.55 feet along a line parallel with the South line of said Lot 27 to a point 8.10 feet West of said East lot line, thence South a distance of 24 feet along the Easterly face of the lower stone base of the Drake Hotel Building to a point on said South line of lot 27 which is 8.05 feet West of the South East corner of said lot, thence East on said South lot line a distance of 8.05 feet to the South East corner of said Lot 27, thence North along said East line of lots 16 and 27 a distance of 217.65 feet to the place of beginning.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

RENEE CIPRIANO, DIRECTOR

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with, (2) all corrective action concerning the remediation of the occurrence has been completed, and (3) no further corrective action concerning the occurrence is necessary so long as the site is used in accordance with the terms and conditions of the NFR Letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA *will* take steps to void the NFR Letter in accordance with the regulations.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You must submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on the Illinois EPA Web site at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.